

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7592

Petition of Monument Farms Three Gen, LLC)
("Monument Farms") for a Certificate of Public)
Good, pursuant to 30 V.S.A. Section 248(j),)
authorizing the installation and operation of a)
100-kW agricultural-methane electrical generating)
facility at a dairy farm and milk-bottling plant)
owned by Monument Farms Dairy, Inc., located)
on Route 23 in Weybridge, Vermont)

Order entered: 5/6/2010

I. INTRODUCTION

This case involves a petition filed by Monument Farms Three Gen, LLC ("Monument Farms") requesting a certificate of public good under 30 V.S.A. § 248(j) to install and operate a 100-kW agricultural-methane electrical generating facility at a dairy farm and milk-bottling plant owned by Monument Farms Dairy, Inc., located on Route 23 in Weybridge, Vermont. In today's Order, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

II. PROCEDURAL HISTORY

On November 12, 2009, Monument Farms filed a petition with the Public Service Board ("Board") requesting a certificate of public good under 30 V.S.A. § 248(j) to install and operate a 100-kW agricultural-methane electrical generating facility at a dairy farm and milk-bottling plant owned by Monument Farms Dairy, Inc., located on Route 23 in Weybridge, Vermont. The generating facility would be interconnected with Central Vermont Public Service Corporation's ("CVPS") distribution system. Monument Farms submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

Notice of the petition was sent on February 5, 2010, to all entities specified in 30 V.S.A.

§ 248(a)(4)(c) and other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before March 22, 2010. A similar notice of the filing was published in *The Addison County Independent* on February 11, 2010, and February 18, 2010.

On February 5, 2010, the Clerk of the Board issued a memorandum requesting additional information regarding Monument Farms' agricultural-methane project. On March 15, 2010, Monument Farms filed the requested information.¹

On March 17, 2010, the Vermont Department of Public Service ("Department") filed a letter stating that the Department found Monument Farms' petition consistent with the *Vermont Electric Plan*, pursuant to 30 V.S.A. § 202(f).

On March 17, 2010, the Department filed a letter stating that the petition does not raise a significant issue with respect to the criteria of 30 V.S.A. § 248 and a certificate of public good should be issued. No other parties filed comments.²

On March 22, 2010, the Clerk of the Board issued a memorandum requesting that Monument Farms provide a detailed explanation regarding a proposed increase in the number of power poles for the Project. On March 26, 2010, Monument Farms filed a response letter.³

The Board has determined that the proposed construction will be of limited size and scope and that the petition, as supplemented, has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by 30 V.S.A. § 248(j) are sufficient to satisfy the public interest, and no hearings are required.

1. In that filing, Monument Farms submitted updated plans with modifications including: a changed location of the digester tank; an increase in the number of power poles from two to six; and a change that combined the bedding storage building with the separator/generator building.

2. However, on May 11, 2009, the Air Pollution Control Division of the Agency of Natural Resources ("ANR") sent a letter to Monument Farms stating that ANR reviewed the emissions data, stack, and flare specifications and determined that an air pollution control permit is not required, but included four operating conditions as part of that determination. Exh. 8; *see also* Finding 23.

3. The letter explained that the increased number of power poles, from two to six, provided CVPS with easier access to the generator.

III. FINDINGS

1. The members of Monument Farms ThreeGen., LLC also comprise the sole shareholders of Monument Farms Dairy, Inc., which owns and operates a dairy farm and milk-bottling plant ("the Farm") in Weybridge, Vermont. James pf. at 1.

2. Monument Farms proposes to construct and operate an electrical generating facility ("the Project") on the Farm. The Project will use methane gas derived by processing raw manure and other feedstock in a digester located on the Farm. The generator will produce up to 100 kW of electricity. James pf. at 1-3.

3. The Project is intended to be a Sustainably Priced Energy Enterprise Development ("SPEED") resource so that it may qualify to sell power at the standard-offer price pursuant to 30 V.S.A. § 8005(b)(2).⁴ The Project was reviewed and accepted by the Vermont SPEED Facilitator and a standard-offer contract is pending. The Project's environmental attributes (renewable energy credits), distinct from the electrical output, will be sold separately. James pf. at 4; exh. 3.

4. The Project will include the construction of two buildings: an enclosed, circular CH-FOUR Biogas, Inc. (Model AD1000) concrete manure digester (approximately sixty feet in diameter and thirty feet high); and a building for bedding storage, the separator, and the generator (approximately 100 feet long, sixty feet deep, and twenty-eight feet high). The Project is designed to be consistent in appearance with existing structures and will be constructed entirely on the Farm property, within the existing farmstead complex, and near other large farm buildings. James pf. at 2, 9; exhs. 10, 11, 13; letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

5. The digester will process cow manure produced at the Farm and potentially utilize other agricultural substrates, such as animal waste, waste grains, pre-consumer food waste, waste dairy products (e.g., whey), waste crops, and energy crops, from both on-farm and off-farm sources. The manure and agricultural substrates will be pumped from a reception pit into the digester,

4. For more information about the SPEED or standard-offer program visit the VermontSPEED website at <http://vermontspeed.com/standard-offer-program/> or the Board's Implementation of Standard Offer Prices for SPEED website page at <http://psb.vermont.gov/docketsandprojects/electric/7523>.

where it will be mixed and heated. The naturally resulting decomposition will produce methane gas and biosolids. The methane will be collected and used to fuel a reciprocating engine that runs a generator and produces energy. The biosolids will be pumped from the effluent pit at the end of the digester to a mechanical separator. The liquid and solids, with their pathogens and odor characteristics now greatly reduced by the digestion process, will be separated out. The solids will be further dewatered and used in other farm and commercial functions, such as bedding for the Farm's cows, which will allow the Farm to save on the cost of sawdust and reduce its phosphorous release. The liquid waste will be used as fertilizer. Much of the organic nitrogen will be converted to ammonia during the digestion process, so the liquid will provide a better fertilizer for crops and present less of an environmental hazard. James pf. at 3-4.

6. The Project's digester will primarily use cow manure produced on the Farm. At all times at least fifty-one percent of feedstock will be derived from agricultural operations.⁵ If off-farm feedstock is needed, up to one truckload per day may be required, but at no time will the off-farm feedstock exceed the on-farm feedstock. The trucks could weigh as much as 24,000 pounds and would likely be from nearby farms. James pf. at 3; letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

7. The Project calls for the installation of six utility poles to interconnect with CVPS's distribution system: five poles will be thirty-nine feet tall and one pole will be fifty-two feet tall (above-ground heights). Letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010; exh. 11.

8. The generator will be a 100-kW generator set produced by Martin Machinery based in Latham, Missouri, model MMG-110. The host utility is CVPS. James pf. at 4.

5. To qualify for a SPEED standard-offer contract, agricultural-methane projects must derive "at least 51% of the feedstock . . . from agricultural operations." *Second Order Re Implementation Issues*, Docket 7533, Order of 10/28/09 at 5-7 (referencing the Vermont Energy Act of 2009, Public Act No. 45 (2009 Vt. Bien. Sess.) §§ 8005(b)(2)(A)(I) and 8005(g)(3)). To qualify as feedstock derived from agricultural operations, a feedstock must be produced for some other purpose than solely that of providing a fuel source for generation. Docket 7533, Order of 10/28/09 at 6.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

9. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 10 and 11, below.

10. The Weybridge Planning Commission and the Addison County Regional Planning Commission both endorse the Project as being consistent with the town and regional plans. James pf. at 5; exhs. 4 and 5.

11. The town and regional plans both expressly encourage the development of local energy sources. The regional plan specifically highlights support for farm-based bio-gas development. Exhs. 4 and 5.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

12. The Project has been accepted, by the Vermont SPEED Facilitator, as a SPEED resource so that Monument Farms may sell power under the standard-offer program. James pf. at 4-5; exh. 3.

Discussion

Pursuant to 30 V.S.A. § 8005(b)(8):

a demonstration of compliance with subdivision 248(b)(2) of this title, relating to establishing need for the facility, shall not be required if the facility is a SPEED resource and if no part of the facility is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.

Accordingly, Monument Farms does not need to demonstrate compliance with this criterion.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

13. The Project will not adversely affect system stability and reliability. This finding is supported by findings 14 and 15, below.

14. The Project will be interconnected at 12.47 kV with CVPS's distribution system originating at the Weybridge 80 distribution circuit. CVPS has determined that the Project would not affect system stability or reliability, provided that the Project follows the requirements outlined in the System Impact Study ("SIS"), which was conducted for the Project, and installs six new utility poles. James pf. at 5; exhs. 6, 7, 11; letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

15. Sections 5 and 7 of the SIS identified multiple control strategies to avoid undue adverse stability and reliability problems including: controls to prevent the generator from starting and stopping more than three times per hour; inclusion of a fault-interrupting device; and the inclusion of an isolation switch. Exh. 6.

Discussion

CVPS's initial SIS raised a concern that the Project may increase generator or system instability.⁶ In response to the SIS, CVPS hired Phillip Barker, P.E., of Nova Energy Specialists, LLC ("Nova"), to determine the likelihood of stability issues.⁷ After Nova's preliminary investigation, CVPS determined that the Project would not adversely affect system stability or reliability, provided that the Project follows the requirements outlined in the SIS and installs six new utility poles.⁸ CVPS stated that it would provide Monument Farms with an Interconnection Agreement and proceed with connecting the Project to the grid.⁹ Although not expressly stated by Monument Farms or CVPS, Monument Farms is responsible for submitting, prior to interconnection, the Interconnection Agreement for Board review and approval, for meeting the applicable codes and standards listed in PSB Rule 5.510, and for all costs of interconnection and any measures necessary to ensure that the Project does not disrupt system stability and reliability.

6. Exhs. 6 and 7.

7. James pf. at 5; exh. 7.

8. *Id.*; exh. 11; letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

9. Exh. 7.

Accordingly, the Board concludes that before interconnecting with CVPS's distribution system, Monument Farms must comply with the recommendations contained in the SIS and Nova's final report to assure that the Project does not cause undue adverse impacts on system stability and reliability. Monument Farms must also pay for all costs associated with the recommendations in the SIS and Nova report as well as all interconnection costs. In addition, prior to operation of the Project, Monument Farms shall enter into an interconnection agreement with CVPS and file the agreement with the Board and the Department and provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in Board Rule 5.510.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

16. The Project provides an economic benefit to the state and its residents. First, it offers a local and renewable power source, which adds diversity to the state's energy mix and displaces generation that uses fossil fuel. Second, the Project enhances the economic viability of the Farm. Third, the Project provides additional, indirect economic benefits including the reduced likelihood of the Farm taking land out of production, thus preserving the image of Vermont that is promoted to tourists. Finally, other indirect economic benefits to the general public include reduced odor from manure-spreading, improved nutrient management, and the reduction of greenhouse gases by removing methane, a significant greenhouse gas, from the atmosphere, by trapping it and burning it as fuel for the generator. James pf. at 6.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

17. The Project, as proposed, will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 18 through 42, below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(A) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

18. The Project will not be located on or near any outstanding resource waters. James pf. at 11.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

19. The Project will not result in undue water or air pollution. This finding is supported by findings 20 through 29, below.

20. The Project will reduce the release of methane gas. James pf. at 3-4, 7.

21. The Project will convert raw manure into liquid waste before spreading it as fertilizer on the Farm's fields, thus reducing the amount of manure stored in lagoons and the amount of organic nitrogen released into the environment. James pf. at 3-4, 7.

22. The Project will produce air emissions from burning methane in the generator's engine and from flaring excess methane from the digester. The Air Pollution Control Division of the Agency of Natural Resources ("ANR") reviewed the emissions data, stack, and flare specifications and, as set forth in a letter dated May 11, 2009, determined that an air pollution control permit is not required, but included four operating conditions as part of that determination. James pf. at 7; exh. 8.

23. ANR's four operating conditions are as follows:

(1) Monument Farms shall only install and operate a MAN Model E 0836 LE 202 biogas specific engine. Monument Farms shall not install an alternative engine without prior written approval from [ANR]. The engine shall be maintained in good working order at all times and operated and maintained in accordance with the manufacturer's operation and maintenance recommendations.

(2) Monument Farms shall design and operate the biogas-to-energy Facility in such a manner that any biogas which is not combusted in the engine is routed to a flare that is designed and operated in accordance with 40 *CFR* Part 60, Subpart A, §60.18. The flare shall also be equipped with a properly sized windscreen to prevent blowout of the flame. All elements of the flare system shall be maintained in good working order at all times and operated and maintained in accordance with the manufacturer's operation and maintenance recommendations.

(3) The flare shall be equipped and operated with an automatic ignition system, such as a spark ignition system or a continuous pilot light, to ensure immediate and continuous combustion of any biogas that is routed to it. Spark igniters may be powered by the grid or an acceptable alternative power source.

(4) Monument Farms shall register its air emissions with [ANR] annually in accordance with Subchapter VII of the Vermont Air Pollution Control Regulations. . . .

Exh. 8.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

24. The Project will not be located on or near any headwaters area. James pf. at 7.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

25. The Project will improve current waste disposal practices. The digester is a sealed container, which will not release untreated waste. The Project will not require new toilet facilities. James pf. at 8.

Discussion

Currently, Monument Farms does not anticipate the need for off-farm feedstock.¹⁰ However, prior to operation, Monument Farms must submit, for Board approval, a plan for handling and storing off-farm feedstock. Monument Farms must also keep accurate records of the quantity of each type of feedstock utilized in the digester and report these quantities to the Board annually.¹¹ If Monument Farms employs off-farm feedstock, all semi-solid feedstock shall be loaded into the digester hopper and fed into the digester tanks on the same day as delivery, in order to eliminate the need for on-site storage and minimize potential odors. In addition, agricultural-methane projects utilizing off-farm feedstock likely invoke jurisdiction

10. Letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

11. We have not included such a condition in previous orders approving farm-methane projects; however, we have determined that this condition is necessary to ensure compliance with the standard-offer program, which requires that at least fifty-one percent of feedstock shall be derived from agricultural operations and produced for some other purpose than solely that of providing a fuel source for generation. *See, supra* n. 5.

under both ANR's water quality regulations and the Agency of Agriculture, Food and Markets' ("AAFM") solid waste management programs.¹² Therefore, if Monument Farms intends to use or store any off-site resources for this project on-site, it should notify both the AAFM and ANR and obtain all necessary permits or approvals required by both the AAFM and ANR.

Water Conservation

[10 V.S.A. § 6086(a)(1)(c)]

26. The Project will not require a new water supply and there should be no impact on existing water use. James pf. at 8.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

27. The Project is not located within a floodway. James pf. at 8; exh. 12.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

28. The Project will have no impact on streams, since no improvements will be located on the banks of a stream. James pf. at 8; exhs. 12 and 13.

Shorelines

[10 V.S.A. §§ 6086(a)(1)(F)]

29. The Project is not located near a shoreline. James pf. at 8; exhs. 12 and 13.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

30. The Project will not impact wetlands. None of the Project operations will occur on or near any wetlands on the Farm property. James pf. at 8.

12. *Petition of Agnorth BioPower*, Docket 7572, Order of 1/6/10 at 13.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)and(3)]

31. The Project will not require the use of additional water. James pf. at 8.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

32. The Project will not cause an adverse impact on soil erosion. The sitework for the Project will be located within the farmstead, in a relatively flat area, and the existing topography will not be altered. James pf. at 8-9.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

33. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. This finding is supported by findings 33 and 34, below.

34. The Project's digester will primarily use cow manure produced on the farm. At no time will off-farm manure and agricultural substrates exceed the manure and agricultural substrates from the Farm. The Project may require the importation of up to one truckload of off-farm manure and agricultural substrate per day. The trucks could weigh as much as 24,000 pounds and would likely be from a nearby farm. James pf. at 3; letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010.

35. Trucking associated with moving bedding (biosolids) from the digester to other locations of the Farm will be offset by a reduction in truckloads of sawdust being delivered from more remote locations. James pf. at 9.

Discussion

Monument Farms is amenable to a limit on the number of off-farm feedstock truckloads per day.¹³ Accordingly, the Board limits Monument Farms' importation of off-farm feedstock to one truckload per day.

13. James pf. at 3.

Educational Services

[10 V.S.A. §§ 6086(a)(6)]

36. The Project will not cause an unreasonable burden on educational services. James pf. at 9.

Municipal Services

[10 V.S.A. §§ 6086(a)(7)]

37. The Project will not require any municipal or governmental services. James pf. at 9.

**Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

38. The Project will not have an undue adverse impact on the scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 38 through 40, below.

39. The Project is designed to be consistent in appearance with existing structures and will be constructed entirely on the Farm property, within the existing farmstead complex, in a location compatible with other nearby large farm buildings. James pf. at 2, 9.

40. The Project calls for the installation of six new utility poles to interconnect with CVPS's distribution system: five poles will be thirty-nine feet tall and one pole will be fifty-two feet tall (above-ground heights). The aesthetic impact of the new power poles will be minor because the power poles will run along the Farm driveway and will be located in close proximity to the farmstead complex, which is a collection of large barns and outbuildings. Letter from Ebenezer Punderson, Esq., to Susan Hudson, Clerk of the Board, filed March 15, 2010; exh. 11.

41. There are no historic sites or rare and irreplaceable natural areas in the vicinity of the proposed project. James pf. at 10.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

42. The Project will not have any adverse impacts on wildlife habitats or threatened or endangered species. James pf. at 10.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

43. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment or materially jeopardize or interfere with the public's use or enjoyment of or access to public lands or services. The only public investment near the Project is Route 23, the road from which the Farm is accessed. The Project will not adversely affect the use of this road by the public. James pf. at 10.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

44. Monument Farms does not distribute or transmit electricity to the public and is not required to prepare an integrated resource plan pursuant to 30 V.S.A. § 218c. James pf. at 10.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

45. The Project is consistent with the *Vermont Electric Plan* because it fulfills the need for electric service that is "carefully balanced" between the following goals: "efficient, adequate, reliable, secure, sustainable, affordable, safe and environmentally sound, while encouraging the state's economic vitality and maintaining consistency with other state policies." James pf. at 10.

46. On March 17, 2010, the Department filed a letter stating that it found Monument Farms' petition consistent with the *Vermont Electric Plan*, pursuant to 30 V.S.A. § 202(f). Letter from John Cotter, Esq., to Susan Hudson, Clerk of the Board, filed March 17, 2010.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

47. The Project is not located near any outstanding resource waters. James pf. at 11.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

48. The Project, with the development of an appropriate interconnection agreement, can be served economically by existing or planned transmission facilities without undue adverse impact on Vermont utilities or customers. James pf. at 11.

IV. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The proposed installation and operation of a 100-kW agricultural-methane electrical generating facility by Monument Farms Three Gen, LLC ("Monument Farms") at a dairy farm and milk-bottling plant owned by Monument Farms Dairy, Inc., located on Route 23 in Weybridge, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good to that effect shall be issued.

2. The Project shall be constructed in accordance with the evidence and plans submitted in these proceedings. Any material deviation from these plans must be approved by the Board.

3. Monument Farms shall comply with the recommendations contained in the System Impact Study ("SIS") and the final report by Nova Energy Specialists, LLC to assure that the

Project does not cause undue adverse impacts on system stability and reliability. Monument Farms shall pay for all costs associated with the recommendations in the SIS and the Nova report as well as all interconnection costs.

4. Prior to operation of the Project, Monument Farms shall enter into an interconnection agreement with Central Vermont Public Service Corporation ("CVPS"), and shall file the agreement with the Board and the Department of Public Service ("Department") for review and approval by the Board.

5. Prior to interconnection of the generator with the CVPS system, Monument Farms shall provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in PSB Rule 5.510.

6. Monument Farms shall comply with the four conditions for operating the engine and the flare established by the Air Pollution Control Division of the Agency of Natural Resources ("ANR") in a letter dated May 11, 2009.

7. Monument Farms may use on-farm and off-farm feedstock in the digester. At all times, the amount of on-farm feedstock must exceed the off-site feedstock used in the digester. At least fifty-one percent of feedstock shall be derived from agricultural operations and produced for some other purpose than solely that of providing a fuel source for generation. Monument Farms shall keep accurate records of the quantity of each type of feedstock utilized in the digester and shall report these quantities to the Board annually; by March 31 of each year, Monument Farms must file the report for the preceding calendar year.

8. The Farm shall not import more than one truckload per day of off-site feedstock.

9. Prior to operation, Monument Farms shall submit, for Board approval, a plan for handling and storing off-farm feedstock. If Monument Farms employs off-farm feedstock, all semi-solid feedstock shall be loaded into the digester hopper and fed into the digester tanks on the same day as delivery, in order to eliminate the need for on-site storage and minimize potential odors.

10. Monument Farms shall obtain all necessary permits and approvals and comply with any conditions that the permits or approvals might contain. In particular, if Monument Farms intends to use or store any off-site resources for this project on-site, it should notify both the

Agency of Agriculture, Food and Markets ("AAFM") and ANR and obtain all necessary permits or approvals required by both the AAFM and ANR.

Dated at Montpelier, Vermont this 6th day of May, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: May 6, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.